DETAILED ACTION

Response to Remarks/Arguments

1. This Office Action is in response to the communications for the present US application number 10/596,457 last filed on December 29th, 2009, where claims 1, 8, 15, and 19 are pending and have been examined.

2. With regards the newly amended claims, first, the term "broadcast driven" group of peers while being considers is not given patentable weight as it only appears within the preamble of the claims. Each of the peers or users are seeking content or other peers or peer devices through the use of the EPG which contains contents being broadcasted.

Second, *Marshall* does disclose of an EPG with contents being broadcasted and peers are able to select or capture their selections with their PVR equipments based on the associated identifiers (i.e., titles, keywords, subject categories, etc…).

In addition, *Goldman* has been included to reinforce the use of an EPG and being able to search through the EPG for not just contents of interest, but also other groups of peers or buddies with similar interests.

Furthermore, *Koike* was included for the teachings of the TV-anytime CRIDs and they can be associated with the relevant content data found within EPGs. In addition, *Koike* does not teach away from the present invention. *Koike* discloses of each peer or user having user interest information which are converted to interest vectors for easy calculations later in determining the users with similar interests using statistical analysis

(e.g., *Koike:* paragraphs [0147-148]). *Koike* discloses that with such interest vectors or user information, it can more efficiently retrieve desired content within a p2p network (by checking with peers), rather than update and check within a central database (i.e., adding metadata to the contents within a central control server), which goes against a p2p network, as it involves intensive processing and other resources from one location and that is what they are getting away from (e.g., *Koike:* paragraphs [0003], [0007-8).

Lastly, the examiner has tried to show how all the references can be combined together as a whole in a reasonable manner as any one skilled in the art. Each of the references are similar in scope and around a similar time, well before the time of the present invention and each reference discloses the use of a EPG within a p2p network, with overlapping ideas regarding the various identifiers for both the content data and the peer users.

Applicant's arguments with respect to claims 1, 8, 15, and 19 have been considered but are moot in view of the new ground(s) of rejection. See the new claim rejections for further clarifications.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1, 8, 15, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. US 2003/0237097 A1 to *Marshall et al.* ("*Marshall*") in view of U.S. Patent No. US 7,552,460 B2 to *Goldman, Phillip Y.* ("*Goldman*") and further in view of U.S. Patent Publication No. US 2003/0120634 A1 to *Koike et al.* ("*Koike*").

As to **claim 1**, *Marshall* discloses **a method of enabling to identify a specific broadcast driven group of peers among multiple groups of peers on a peer-to-peer network, the method comprising:**

providing a specific identifier of multiple identifiers for linking a content broadcast to the specific group of peers (*Marshall* discloses of users with their personal video recorders (PVRs) can obtain data from other peer devices, including other PVRs, installed within their end user sites (i.e., homes), , within a peer-to-peer (p2p) network environment The desired or requested information or data is broadcasted in a variety of formats with associated meta-data acting as identifiers for the content data and the related peers, e.g., *Marshall:* paragraphs [0013-14]).

Marshall discloses of various other peers, but does not go into details on the issue of groups of peers.

Goldman has also been included, who more expressly discloses of peers being able to form groups or a list of buddies who all share similar interests in what is being watched. All of which can be tracked through the EPG of their

systems (e.g., *Goldman:* Figure 5, columns 9, lines 44-49, column 10, lines 62-64, column 11, lines 1-7 and 33-40).

Marshall and *Goldman* are all analogous art because they are all in the same field of endeavor with respect to providing and sharing data information in a p2p environment.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate *Goldman's* concept of configuring or modifying the EPG to identify groups of peers or buddies that share similar interests or contents as the requesting user all within *Marshall's* concept of peers searching for content using the metadata identifiers with their PVR systems. One skilled in the art would be motivated to combine them and see the benefits and efficiency it offers as the peers and peer group identifiers along with data contents are more efficiently organized such that any peer user can more readily find something of interest with relative ease;

deriving at an end-user site (wherever each user's PVR equipment is installed, (i.e., home)) **the specific identifier (i) from a further identifier embedded in a broadcast stream of the content broadcast in response to a reception of the content broadcast** (the content being broadcasted from other peers or other PVR devices contains the metadata identifiers, e.g., *Marshall:* paragraph [0014]) **or (ii) from a further identifier embedded in an electronic program guide (EPG) in response to selecting the content broadcast from the EPG, the further identifier being representative of the content broadcast**

(*Marshall* also discloses of an exemplary Electronic Programming Guide (EPG) with associated indicators or other forms of identifiers for PVR units to pick up on, e.g., *Marshall:* paragraph [0018-19]).

Once again, *Goldman* further discloses of the EPG with identifiers for its buddy users and content data (e.g., *Goldman:* Figure 5, columns 9, lines 44-49, column 10, lines 62-64, column 11, lines 1-7 and 33-40).

See the previously stated reasons for combining *Marshall* and *Goldman*,

wherein the further identifier comprises a TV-anytime Content Reference Identifier (*Marshall* and *Goldman* both do not expressly disclose of such an identifier).

Koike more expressly discloses the concept of incorporating and using TV-Anytime Content Reference Identifiers (e.g., *Koike:* paragraphs [0059-60]).

Marshall, Goldman, and *Koike* are analogous art because they are in the same field of endeavor with respect to providing and sharing data information in a peer-to-peer environment.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate *Koike's* concept of using TV-Anytime Content Reference Identifiers along with *Goldman's* concept of having forming groups of peers or having buddies with similar interests within the EPG together within *Marshall's* concept of peers searching for content using metadata identifiers with their PVR systems, within a p2p network environment One skilled in the art would be motivated to combine them and see the benefits it offers as

the identifiers can be used to help locate or associate with other similar groups in a more efficient manner**, and**

wherein the TV-anytime Content Reference Identifier is resolved into a peer group ID as part of the step of deriving (*Marshall* does not expressly disclose of such an identifier resolving into a peer group ID).

Goldman further discloses of the EPG with identifiers for its buddy users and content data (e.g., *Goldman:* Figure 5, columns 9, lines 44-49, column 10, lines 62-64, column 11, lines 1-7 and 33-40).

In addition, *Koike* further discloses of using the TV-anytime Content Reference Identifiers (e.g., *Koike:* paragraphs [0059-60]), which can be incorporated within the EPG and associated to the groups of peers or buddies.

See the previously stated reasons for combining *Marshall, Goldman,* and *Koike***; and**

responsive to deriving the specific identifier, enabling a connection to the specific group of peers via the peer-to-peer network within a context of the content broadcast (*Marshall* discloses of a peer user using the PVR to browse or search for the specific content or other peers, combined with *Goldman's* teachings of browsing through the EPG for specific or requested identifiers (which can be the TV-anytime CRIDs from *Koike*), linking to groups of peers or buddies with similar interests. Once found, the user can join and be a part of that group or at least be associated with that group, e.g., *Goldman,* Figure 5, columns 9, lines 44-49, column 10, lines 62-64, column 11, lines 1-7 and 33-

40). See the previously stated reasons for combining *Marshall, Goldman,* and *Koike*.

As to **claims 8, 15, and 19**, see the similar rejection of claim 1.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0156875 A1 to *Pabla, Kuldipsingh*.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIANG YU whose telephone number is (571)270-5695. The examiner can normally be reached on Monday - Friday 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/X. Y./
Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445